

Assembly Bill No. 159

Passed the Assembly May 2, 2011

Chief Clerk of the Assembly

Passed the Senate July 1, 2011

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2011, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Section 1506.3 of the Health and Safety Code, and to amend Section 11463 of the Welfare and Institutions Code, relating to community care facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 159, Beall. Community care facilities: foster family agencies.

The California Community Care Facilities Act requires any holder of a valid license issued by the State Department of Social Services to engage in any foster family functions to use only a certified family home, as defined, that has been certified by that agency or a licensed foster family home approved for this use by the licensing county. The act requires the total foster family agency rate by age group in effect on January 1, 2008, paid to licensed foster family agencies for the placement of children in certified foster family homes to be reduced by 10% on October 1, 2009. The act requires, until January 1, 2012, a foster family agency that provides treatment of children in foster families to employ one full-time social work supervisor for every 8 social workers or fraction thereof in the agency.

This bill would extend the operation of that employment requirement until the above-described total foster family agency rate by age group is restored to at least the rate in effect on September 30, 2009, and the director issues a declaration to take effect, as specified.

The people of the State of California do enact as follows:

SECTION 1. Section 1506.3 of the Health and Safety Code is amended to read:

1506.3. (a) A foster family agency that provides treatment of children in foster families shall employ one full-time social work supervisor for every eight social workers or fraction thereof in the agency.

(b) This section shall remain in effect only until the date when the total foster family agency rate by age group paid to licensed foster family agencies for the placement of children in certified

foster family homes is restored to at least the rate in effect on September 30, 2009, and the Director of Social Services issues a declaration to this effect to the Senate Committee on Budget and Fiscal Review, Senate Committee on Human Services, the Assembly Committee on Budget, and the Assembly Committee on Human Services, or their successor committees. Upon the restoration to at least the rate in effect on September 30, 2009, the director shall issue the declaration. On that date, this section shall be repealed.

SEC. 2. Section 11463 of the Welfare and Institutions Code is amended to read:

11463. (a) (1) The department, with the advice, assistance, and cooperation of the counties and foster care providers, shall develop, implement, and maintain a ratesetting system for foster family agencies.

(2) No county shall be reimbursed for any percentage increases in payments, made on behalf of AFDC-FC funded children who are placed with foster family agencies, that exceed the percentage cost-of-living increase provided in any fiscal year beginning on January 1, 1990, as specified in subdivision (c) of Section 11461.

(b) The department shall develop regulations specifying the purposes, types, and services of foster family agencies, including the use of those agencies for the provision of emergency shelter care. A distinction, for ratesetting purposes, shall be drawn between foster family agencies that provide treatment of children in foster families and those that provide nontreatment services.

(c) The department shall develop and maintain regulations specifying the procedure for the appeal of department decisions about the setting of an agency's rate.

(d) On and after July 1, 1998, the schedule of rates, and the components used in the rate calculations specified in the department's regulations, for foster family agencies shall be increased by 6 percent, rounded to the nearest dollar. The resultant amounts shall constitute the new schedule of rates for foster family agencies.

(e) (1) On and after July 1, 1999, the schedule of rates and the components used in the rate calculations specified in the department's regulations for foster family agencies shall be adjusted by an amount equal to the California Necessities Index computed pursuant to Section 11453, rounded to the nearest dollar,

subject to the availability of funds. The resultant amounts shall constitute the new schedule of rates for foster family agencies, subject to further adjustment pursuant to paragraph (2).

(2) In addition to the adjustment specified in paragraph (1), commencing January 1, 2000, the schedule of rates and the components used in the rate calculations specified in the department's regulations for foster family agencies shall be increased by 2.36 percent, rounded to the nearest dollar. The resultant amounts shall constitute the new schedule of rates for foster family agencies.

(f) For the 1999–2000 fiscal year, foster family agency rates that are not determined by the schedule of rates set forth in the department's regulations, shall be increased by the same percentage as provided in subdivision (e).

(g) For the 2000–01 fiscal year and each fiscal year thereafter, without a county share of cost, notwithstanding subdivision (c) of Section 15200, the foster family agency rate shall be supplemented by one hundred dollars (\$100) for clothing per year per child in care, subject to the availability of funds. The supplemental payment shall be used to supplement, and shall not be used to supplant, any clothing allowance paid in addition to the foster family agency rate.

(h) In addition to the adjustment made pursuant to subdivision (e), the component for social work activities in the rate calculation specified in the department's regulations for foster family agencies shall be increased by 10 percent, effective January 1, 2001. This additional funding shall be used by foster family agencies solely to supplement staffing, salaries, wages, and benefit levels of staff performing social work activities. The schedule of rates shall be recomputed using the adjusted amount for social work activities. The resultant amounts shall constitute the new schedule of rates for foster family agencies. The department may require a foster family agency receiving this additional funding to certify that the funding was utilized in accordance with the provisions of this section.

(i) The increased rate provided by subparagraph (C) of paragraph (1) of subdivision (d) of Section 11461 shall not be used to compute the monthly amount that may be paid to licensed foster family agencies for the placement of children in certified foster homes.

(j) The total foster family agency rate by age group in effect as of January 1, 2008, paid to licensed foster family agencies for the placement of children in certified foster family homes, shall be reduced by 10 percent, effective October 1, 2009. The foster family agency shall have flexibility in applying the reduction, however, no more than 10 percent shall be deducted from the child base and increment, as defined in departmental regulations. When the rate is restored to at least the rate in effect on September 1, 2009, the director shall issue the declaration described in Section 1506.3 of the Health and Safety Code.

(k) Effective October 1, 2009, the total foster family agency rate by age group, in effect for those agency rates that are not determined by the schedule of rates set forth in the department's regulations, shall be reduced by the same percentage and in the same manner as provided for in subdivision (j).

(l) (1) The department shall determine, consistent with the requirements of this section and other relevant requirements under law, the rate category for each foster family agency on a biennial basis. Submission of the biennial rate application shall be according to a schedule determined by the department.

(2) The department shall adopt regulations to implement this subdivision. The adoption, amendment, repeal, or readoption of a regulation authorized by this subdivision is deemed to be necessary for the immediate preservation of the public peace, health and safety, or general welfare, for purposes of Sections 11346.1 and 11349.6 of the Government Code, and the department is hereby exempted from the requirement to describe specific facts showing the need for immediate action.

Approved _____, 2011

Governor